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EXAMINER	
GARY, ERIKA A	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/672,367	CASPI ET AL.	
	Examiner	Art Unit	
	Erika A. Gary	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1/7/08*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17 and 19-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 19-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 9-16, 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by De Vries, US Patent Number 6,968,179, (hereinafter De Vries).

As to claim 1, De Vries discloses systems and services to facilitate communication based on location and inter-relationships of people (column 1, lines 6-7). De Vries also discloses the place-specific buddy list information service 100 in an operating environment 102, reading on claimed "telecommunications system," of an illustrated embodiment of the invention is implemented in server application software run on a server computer or group of servers 104-106 connected on a distributed data communications network 10 (column 4, lines 45-46).

De Vries also discloses the personal mobile data communications devices 120-123 and/or the data communications network 110 also are equipped with location detecting capability to determine the locations of the individual personal mobile devices, so as to thereby infer the position of their users (column 5, lines 20-25). De Vries also discloses this location detection capability can be provided by equipping the individual personal mobile data communications devices 120-123 with a Global Positioning System (GPS) receiver, which detects the personal mobile communications device's

location based on signals transmitted from GPS transmitters (column 5, lines 25-30), reading on claimed "a plurality of network clients including a positioning controller." De Vries also discloses these mobile devices communicate with the information service on the data communications network 110 through a wireless networking and communications system (e.g., including wireless transmission/reception towers 126-127) (column 4, lines 65-67; column 5, lines 1-2), reading on claimed "a radio data network communications controller." De Vries also discloses may be reported whenever the location changes by a significant threshold amount (column 5, lines 49-50), reading on claimed, "when a presence change indicated by the position related information is detected."

De Vries also discloses the inference engine 200 is realized in software running on the server computers 104-106 (FIG. 1), reading on claimed "presence server," and utilizing the people/place information in the database 112 (FIG. 1) (column 6, lines 5-8), reading on claimed "positioning server." De Vries also discloses the inference engine 200 operates to infer which resources 210 (i.e., principally people, both individuals and groups, but also locale-specific data, services; devices, and. etc.) tracked by the service may be of interest to a user given that user's "place context" 220 (i.e., the user's location, but also optionally including other place-specific information such as whether the place is the user's home or place of work, etc.) (column 6, lines 8-15). De Vries also discloses the inference engine 200 processes information from the people/place database 112 to produce these inferences for both user-initiated searches and notifications triggered by events other than user requests (e.g., change in location of the

user or of people on the user's buddy list) (column 6, lines 15-20), reading on claimed "a positioning server including a coordinating controller for maintaining a database of network client to be tracked and provide updates of position-related information to a presence server."

De Vries also discloses the locations of the personal-mobile data communications devices 120-123 are reported to or polled by the information service 100, which uses this information to track the location of the devices' users in the people/place database 112 and the personal mobile data communications devices' locations can be reported to the information service at periodic intervals, or alternatively may be reported whenever the location changes by a significant threshold amount (column 5, lines 43-50), reading on claimed "wherein said plurality of network clients are configured to transmit position information received via said positioning controller to said positioning server via said radio data network communications controller."

De Vries also discloses when a change to the buddy C's location or other presence information (e.g., availability) occurs, the buddy C presence server sends a notification to all that have subscribed, including to the user A; this then updates the buddy C place context 322 in the user A people/place state 300, which may result in alerts being presented to the user A (column 7, lines 67; column 8, lines 1-5), reading on claimed "wherein said presence server is configured to transmit to said plurality of network clients availability information defining where said plurality of network clients may be contacted correlated with said position information."

De Vries also discloses this proximity parameter can have the form of a geographic distance threshold, e.g., a radius in miles or kilometers, within which the people or resources must be located to be considered in proximity to the user; in alternative embodiments of the information service, the information service can employ a database or databases of detailed place information (e.g., place data 570), so as to allow proximity parameters, such as Same city/town/neighborhood, same venue, same building, same room, and the like (column 9, lines 9-14). De Vries also discloses a user may only be interested in notification of the location of a person they see frequently if that person within a block or so, whereas they may wish to be notified if a close friend who lives in another country happens to be in the same city as the one they currently find themselves in (column 9, lines 27-31), reading on claimed "said availability information defining parameters within location boundaries."

De Vries also discloses said plurality of network clients are configured to maintain one or more position-presence rules [col. 2: lines 52-62; col. 2: lines 63-67] and transmit position information responsive to detecting a change in position and presence in accordance with the one or more position-presence rules [col.2: lines 43-51; col. 5: lines 47-50].

As to claim 2, De Vries discloses everything as applied in claim 1 and De Vries also discloses these mobile devices communicate with the information service on the data communications network 110 through a wireless networking and communications system (e.g., including wireless transmission/reception towers 126-127) (column 4, lines 65-67; column 5, lines 1-2), reading on claimed "plurality of network clients is adapted to

receive positioning database related updates via said data network communications controller."

As to claim 3, De Vries discloses everything as applied in claim 1 and De Vries also discloses users of the information service 100 access the information service from mobile personal networked computing or telecommunications devices 120-123, such as cell phones (column 4, lines 61-62), reading on claimed "radio data network communications controller comprises a cellular data network controller for transmitting on a cellular telephone data network to said positioning server."

As to claim 5, De Vries discloses everything as applied in claims 1 and 3 and De Vries also discloses this location detection capability can be provided by equipping the individual personal mobile data communications devices 120-123 with a Global Positioning System (GPS) receiver, which detects the personal mobile communications device's location based on signals transmitted from GPS transmitters (column 5, lines 25-28), reading on claimed "positioning controller receives global positioning network signals for determining a position of an associated network client."

As to claim 9, De Vries discloses everything as applied in claims 1 and 3 and De Vries also discloses the inference engine 200 is realized in software running on the server computers 104-106 (FIG. 1), and utilizing the people/place information in the database 112 (FIG. 1) (column 6, lines 5-8). De Vries also discloses the inference engine 200 operates to infer which resources 210 (i.e., principally people, both individuals and groups, but also locale-specific data, services, devices, and etc.) tracked by the service may be of interest to a user given that user's "place context" 220 (i.e., the

user's location, but also optionally including other place-specific information such as whether the place is the user's home or place of work, etc.) (column 6, lines 8-15). De Vries also discloses the inference engine 200 processes information from the people/place database 112 to produce these inferences for both user-initiated searches and notifications triggered by events other than user requests (column 6, lines 16-19), reading on claimed "presence sever maintains a database of location and presence correlation pairs for registered users and receives location updates from said positioning server."

As to claim 10, De Vries discloses everything as applied in claims 1 and 3 and De Vries also discloses in a notification operati0~n, the locations of the user and those on the user's buddy list(s) again are tracked in the people/place state data 300 associated with that user in the database 1.12 (column 8, lines 28-31). De Vries also discloses upon an update to the people/place state data 300 in which the relative locations of the user and/or those on the user's buddy list(s) change, the information service 100 determines which people are in the user's proximity based on the notification parameters at 502, and then formulates and transmits a notification message to the user at 503 (column 8, lines 31-38), reading on claimed "said positioning server maintains a database of location and presence correlation pairs for registered users and provides presence updates to said presence server."

As to claim 11, De Vries discloses systems and services to facilitate communication based on location and inter-relationships of people (column 1, lines 6-7). De Vries also discloses users of the information service 100 accesses the information

service from mobile personal networked computing or telecommunications devices 120-123 (column 4, lines 60-62), reading on claimed "a telecommunications device."

De Vries also discloses the personal mobile data communications devices 120-123 and/or the data communications network 110 also are equipped with location detecting capability to determine the locations of the individual personal mobile devices, so as to thereby infer the position of their users (column 5, lines 20-25). De Vries also discloses this location detection capability can be provided by equipping the individual personal mobile data 'communications devices 120-123 with a Global Positioning System (GPS) receiver, reading on claimed "positioning controller," which detects the personal mobile communications device's location based on signals transmitted from GPS transmitters (column 5, lines 25-30), reading on claimed "a positioning controller adapted to determine positioning information for said telecommunications device."

De Vries also discloses these mobile devices communicate with the information service on the data communications network 110 through a wireless networking and communications system (e.g., including wireless transmission/reception towers 126-127) (column 4, lines 65-67). De Vries also discloses the place-specific buddy list information service 100 in an operating environment 102 of an illustrated embodiment of the invention is implemented in server application software run on a server computer or group of servers104-106, reading on claimed "associated server," connected on a distributed data communications network 10 (column 4, lines 45-50). De Vries also discloses the locations of the personal mobile data communications devices 120-123 are reported to or polled by the information service 100, which uses this information to

track the location of the devices' users in the people/place database 112 (column 5, lines 43-47), reading on claimed "a wireless data network controller adapted to receive said positioning information from said positioning controller and cause said positioning information to be transmitted to an associated server." De Vries also discloses may be reported whenever the location changes by a significant threshold amount (column 5, lines 49-50), reading on claimed "when a change in presence of the telecommunications device is determined from the change in position."

De Vries also discloses when a change to the buddy C's location or other presence information (e.g., availability) occurs, the buddy C presence server sends a notification to all that have subscribed, including to the user A; this then updates the buddy C place context 322 in the user A people/place state 300, which may result in alerts being presented to the user A (column 7, line 67; column 8, lines 1-5), reading on claimed "and receive availability information defining where a plurality of other network clients may be contacted correlated with associated position information."

De Vries also discloses this proximity parameter can have the form of a geographic distance threshold, e.g., a radius in miles or kilometers, within which the people or resources must be located to be considered in proximity to the user; in alternative embodiments of the information service, the information service can employ a database or databases of detailed place information (e.g., place data 570), so as to allow proximity parameters, such as same city/town/neighborhood, same venue, same building, same room, and the like (column 9, lines 9-14). De Vries also discloses a user may only be interested in notification of the location of a person they see frequently if

that person within a block or so, whereas they may wish to be notified if a close friend who lives in another country happens to be in the same city as the one they currently find themselves in (column 9, lines 27-31), reading on claimed "said availability information defining parameters within location boundaries."

De Vries also discloses said plurality of network clients are configured to maintain one or more position-presence rules [col. 2: lines 52-62; col. 2: lines 63-67] and transmit position information responsive to detecting a change in position and presence in accordance with the one or more position-presence rules [col.2: lines 43-51; col. 5: lines 47-50].

As to claim 12, De Vries discloses everything as applied in claim 11 above and De Vries also discloses this location detection capability can be provided by equipping the individual personal mobile data communications devices 120-123 with a Global Positioning System (GPS) receiver, reading on claimed "positioning controller," which detects the personal mobile communications device's location based on signals transmitted from GPS transmitters (column 5, lines 25-30), reading on claimed "said positioning controller receives Global Positioning System (GPS) signals to determine said positioning information."

As to claim 13, De Vries discloses everything as applied in claims 11 and 12 above and De Vries also discloses the information service 100 preferably supports a variety of service parameters 550 to control the people and place-based information provided by the information service in searches and notifications (column 81 lines 41-45). De Vries also discloses the parameter settings for a user can be stored by the

information service 100 in the database 112, or alternatively can be stored in a "cookie" or like client-side storage in the user's personal mobile data communications device or can be stored as settings for a client software application (column 8, lines 60-65). De Vries also discloses one such parameter sets a proximity threshold within which people (or other resources 210 of FIG. 2) are to be considered proximate to the user by the information service for purposes of responding to a search or providing notifications (column 9, lines 1-5) and the information service, the information service can employ a database or databases of detailed place information (e.g., place data 570), so as to allow proximity parameters, such as same city/town/neighborhood, same venue, same building, same room, and the like (column 9, lines 9-14), reading on claimed "a rules database of location and presence related information."

As to claim 14, De Vries discloses everything as applied in claims 11 -and 12-13 above and De Vries also discloses the locations of the personal mobile data communications devices 120-123 are reported to or polled by the information service 100, which uses this information to track the location of the devices' users in the people/place database 112 (column 5, lines 43-47). De Vries also discloses additionally, the user may provide location information by direct input, for example by entering (by speech, text, or bar-code or other machine readable data scanning) an intersection or venue name or other location-identifying information (column 5, lines 38-41), reading on claimed "wireless data network controller transmits changes to location and presence status to said associated server."

As to claim 15, De Vries discloses everything as applied in claims 11 and 12-13 above and De Vries also discloses the locations of the personal mobile data communications devices 120-123 are reported to or polled by the information service 100, which uses this information to track the location of the devices' users in the people/place database 112 (column 5, lines 43-47), reading on claimed "wireless data network controller transmits changes to location status to said associated server."

As to claim 16, De Vries discloses everything as applied in claims 11 and 12-13 above and De Vries also discloses the information service 100 also supports place-dependent parameter settings 560 and depending upon the user's location, the information service may impose particular place-specific notification and search parameter settings (column 10, lines 20-24), reading on claimed "wireless data network controller receives updates to said rules database from said associated server."

As to claim 19, De Vries discloses systems and services to facilitate communication based on location and inter-relationships of people (column 1, lines 6-7), reading on claimed "telecommunications method." De Vries also discloses the inference engine 200 is realized in • software running on the server computers 104-106 (FIG. 1), reading on claimed "local controller," and utilizing the people/place information in the database 112 (FIG. 1) (column 6, lines 5-8). De Vries als0 discloses the inference engine 200 operates to infer which resources 210 (i.e., principally people, both individuals and groups, but also locale-specific data, services, devices, and etc.) tracked by the service may be of interest to a user given that user's "place context" 220 (i.e., the user's location, but also optionally including other place-specific information such as

whether the place is the user's home or place of work, etc.) (column 6, lines 8-15). De Vries also discloses the inference engine 200 processes information from the people/place database 112 to produce these inferences for both user-initiated searches and notifications triggered by events other than user requests (column 6, lines 16-19), reading on claimed "receiving one or more user positioning and presence correlation rules at a local controller."

De Vries also discloses the information service 100 also supports notification operations 500 and in a notification operation, the locations of the user and those on the user's buddy list(s) again are tracked in the people/place state data300 associated with that user in the database 112 (column 8, lines 28-31), reading on claimed "said positioning and presence correlation rules defining an availability of a user at a plurality of user devices or media depending on a detected location of a user."

De Vries also discloses upon an update to the people/place state data 300 in which the relative locations of the user and/or those on the user's buddy list(s) change, the information service i00 determines which people are in the user's proximity based on the notification parameters at 502, and then formulates and transmits a notification message to the user at 503 (column 8, lines 31-38), reading on claimed "transmitting said one or more positioning and presence correlation rules over a wireless data communications network to a remote device."

De Vries also discloses this proximity parameter can have the form of a geographic distance threshold, e.g., a radius in miles or kilometers, within which the people or resources must be located to be considered in proximity to the user; in

alternative embodiments of the information service, the information service can employ a database or databases of detailed place information (e.g., place data 570), so as to allow proximity parameters, such as same city/town/neighborhood, same venue, same building, same room, and the like (column 9, lines 9-14). De Vries also discloses a user may only be interested in notification of the location of a person they see frequently if that person within a block or so, whereas they may wish to be notified if a close friend who lives in another country happens to be in the same city as the one they currently find themselves in (column 9, lines 27-31), reading on claimed "said positioning and presence correlation rules defining parameters within location boundaries."

De Vries also discloses this location detection capability can be provided by equipping the individual personal mobile data communications devices 120-123 with a Global Positioning System (GPS) receiver, which detects the personal mobile communications device's location based on signals transmitted from GPS transmitters (column 5, lines 25-30), reading on claimed "receiving positioning updates at said remote device."

De Vries also discloses the locations of the personal mobile data communications devices 120-123 are reported to or polled by the information service 100, which uses this information to track the location of the devices' users in the people/place database 112 (column 5, lines 43-47). De Vries also discloses the personal mobile data communications devices' locations can be reported to the information service at periodic intervals, or alternatively may be reported whenever the location changes by a significant threshold amount (column 5, lines 47-50). De Vries

also discloses the interval and/or threshold amount are parameters that may vary depending on the design criteria of the application, or system (column 5, lines 50-53), reading on claimed "transmitting positioning updates to said local controller via said wireless data communications network as specified in said one or more positioning and presence correlation rules."

De Vries also discloses said plurality of network clients are configured to maintain one or more position-presence rules [col. 2: lines 52-62; col. 2: lines 63-67] and transmit position information responsive to detecting a change in position and presence in accordance with the one or more position-presence rules [col.2: lines 43-51; col. 5: lines 47-50].

As to claim 20, De Vries discloses everything as applied in claim 19 above and De Vries also discloses the inference engine 200 operates to infer which resources 210 (i.e., principally people, both individuals and groups, but also locale-specific data, services, devices, and etc.) tracked by the service may be of interest to a user given that user's "place context" 220 (i.e., the user's location, but also optionally including other place-specific information such as whether the place is the user's home or place of work, etc.). De Vries also discloses the place context is a set of attributes based on a user's location along with information of the user's location, the attributes may include user persona/task/preferences/etc., applicable social circle, available devices, networks and services and so on (column 6, lines 27-31), reading on claimed "said receiving one or more user positioning and presence correlation rules comprises receiving at a server

including a local controller one or more rules set via a network interface device operably coupled to said local controller."

As to claim 21, De Vries discloses everything as applied in claim 19-20 above and De Vries also discloses this location detection capability can be provided by equipping the individual personal mobile data communications devices 120-123 with a Global Positioning System (GPS) receiver, which detects the personal mobile communications device's location based on signals transmitted from GPS transmitters (column 5, lines 25-30), reading on claimed "said receiving positioning updates comprises receiving one or more signals from a global positioning network."

As to claim 22, De Vries discloses everything as applied in claim 19 above and De Vries also discloses the locations of the personal mobile data communications devices 120-123 are reported to or polled by the information service 100, which uses this information to track the location of the devices' users in the people/place database 112 (column 5, lines 43-47), reading on claimed "transmitting positioning updates from said remote device to one or more servers via said wireless data communications network."

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 4, 17, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Vries as applied to claims 1, 11, and 18 above, and further in view of well known prior art (MPEP 2144.03).

As to claims 4, 17, and 23, De Vries discloses everything as applied in claims 1, 11, and 19 above and De Vries also discloses these m0bile devices communicate with the information service on the data communications network 110 through a wireless networking and communications system (column 4, lines 65-67; column 5, line 1). However, De Vries fails to specifically disclose said radio data network communications controller comprises at least one of a CDPD controller, an SMS controller a WiFi controller, or a two-way radio controller. The Examiner contends this feature was old and well known in the art at the time of invention as taught by well-known prior art.

The Examiner takes Official Notice that it was old and well known in the art at the time of invention to a mobile device to possess a CDPD, SMS, WiFi, or two-way controller/receiver in order to communicate with the associated wireless communication system serving the mobile device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to require the system, device, and method and radio data network communications controller, disclosed by De Vries, radio data network communications controller comprises at least one of a CDPD controller, an SMS controller a WiFi controller, or a two-way radio controller, as taught by well known prior art, in order for the mobile device to operate on a variety of wireless data communication systems.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Vries as applied to claims 1 and 3 above, and further in view of Yugami (U.S. 200310027583 A1).

As to claim 2, De Vries discloses everything as applied in claims 1 and 3; however, De Vries fails to disclose positioning server includes an e-mail message generator for communicating said updates to said presence server. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Yugami.

In the same field of endeavor, Yugami teaches an invention that relates to a mobile terminal device having a position information detection function and a method for notifying a base station of the position information (para. 2). Yugami also teaches the GPS unit 16 measures the current position of the mobile terminal device 10, and reads the current position information and the control unit 12 transmits the read data of the current position information as an e-mail message to an e-mail address, which is stored in the memory 13 in advance; then the control unit 12 transmits the e-mail message via the radio unit 11 (para. 21), reading on claimed "positioning server includes an e-mail message generator for communicating said updates to said presence server."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the telecommunication system and the positioning server, disclosed by De Vries, the positioning server includes an e-mail message generator for communicating said updates to said presence server, as taught by Yugami, to obtain

position information of the mobile user at arbitrary times and to output the obtained position information to an external device.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Vries as applied to claims 1 and 3 above, and further in view of Greene (U.S. 200210077080 A1).

As to claim 7, De Vries discloses everything as applied in claims 1 and 3; however, De Vries fails to disclose the positioning server includes an Instant Messaging message generator for communicating said updates to said presence server. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Greene.

In the same field of endeavor, Greene teaches a system for tracking the status and location of users of wireless devices and more particularly to a tracking system making use of the Internet and instant message (IM) technology (para. 1). Greene also teaches each wired or wireless device 11, 13 provides the capabilities to communicate with each other over the Internet including communicating IM messages amongst the wired or wireless device 11, 13 via an IM server 19 (para. 15) and the wireless device 13 can repeatedly send position data to the IM server 19, which translates the position data into location tags and sends status update messages to the other wired or wireless devices 11, 13 (para. 19), reading on claimed "positioning server includes an Instant Messaging message generator for communicating said updates to said presence server."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the telecommunication system and the positioning server, disclosed by De Vries, the positioning server includes an Instant Messaging message generator for communicating said updates to said presence server, as taught by Greene, in order to provide accurate and current location data for the mobile user to other applications and user within the wireless communication system.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Vries as applied to claims 1 and 3 above, and further in view of Watanabe et al (U.S. 2004/0203894).

As to claim 8, De Vries discloses everything as applied in claims 1 and 3; however, De Vries fails to disclose the positioning server includes a Session Initiation Protocol (SIP) message generator for communicating said updates to said presence server. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Watanabe.

In the same field of endeavor, Watanabe teaches sending a single message to a paging location update server that updates the location of the mobile terminal and a domain area associated with the application (para. 11). Watanabe also teaches [para. 58]:

The paging location update server 48 determines whether the L2 paging area is the same as the associated paging area to which the mobile terminal 24 is currently being associated or connected per step 100. If the areas are not the same then the

process is repeated. If the areas are the same, then the current L2 location update and the current SIP address are sent to the paging location update server 48 per step 102. After the addresses are sent to the server 48, the server 48 determines if the current SIP domain area of the mobile terminal 24 is the same as the SIP domain area of the mobile terminal 24 where the L2 paging area is updated per step 104. If they are the same, then no action is necessary per step 106 since the SIP domain address is not updated. If the SIP domain area is not the same, then the server 48 sends a new SIP location of the mobile terminal 24 to a current SIP location server 62 where the mobile terminal 24 is located per step 108. This reads on claimed "positioning server includes a Session Initiation Protocol (SIP) message generator for communicating said updates to said presence server."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the telecommunication system and the positioning server, disclosed by De Vries, the positioning server includes a Session Initiation Protocol (SIP) message generator for communicating said updates to said presence server, as taught by Watanabe, to enable the network to keep track of the location of every attached mobile terminal with the accuracy of a geographical location area that is the same as the cellular network.

Response to Arguments

8. Applicant's arguments filed 1/7/08 have been fully considered but they are not persuasive. Applicant argues that De Vries does not teach that the remote devices

maintain presence rules and transmit location updates upon determination of a change in position and presence. However, the Examiner respectfully disagrees and contends that De Vries teaches this limitation as De Vries discloses said plurality of network clients are configured to maintain one or more position-presence rules [col. 2: lines 52-62; col. 2: lines 63-67] and transmit position information responsive to detecting a change in position and presence in accordance with the one or more position-presence rules [col.2: lines 43-51; col. 5: lines 47-50; col. 7: lines 50-54].

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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EAG
February 6, 2008

ERIKA A. GARY
PRIMARY EXAMINER